

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

ROSELIE ANN BAUMAN, M.D.)

Case No. 18-2008-192412

**Physician's and Surgeon's)
Certificate No. A-67234)**

Respondent.)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 30, 2011.

IT IS SO ORDERED November 30, 2011.

MEDICAL BOARD OF CALIFORNIA

By: Shelton Duruisseau
Shelton Duruisseau, Ph.D., Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 LORI JEAN FORCUCCI
Deputy Attorney General
4 State Bar No. 125345
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Attorneys for Complainant

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ROSELIE ANN BAUMAN, M.D.**
14 **10800 Magnolia Avenue**
Riverside, CA 92505

15 **Physician's and Surgeon's Certificate No.**
16 **A67234**

17 Respondent.

Case No. 18-2008-192412

OAH No. 2011031421

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
22 California. She brought this action solely in her official capacity and is represented in this matter
23 by Kamala D. Harris, Attorney General of the State of California, by Lori Jean Forcucci, Deputy
24 Attorney General.

25 2. Respondent Roselie Ann Bauman, M.D. (Respondent) is represented in this
26 proceeding by attorney Paul Spackman, Esq., whose address is: 28441 Highridge Road, Suite
27 201, Rolling Hills Estates, CA 90274.

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1 3. On or about December 23, 1998, the Medical Board of California issued Physician's
2 and Surgeon's Certificate No. A67234 to Roselie Ann Bauman, M.D. Physician's and Surgeon's
3 Certificate No. A67234 was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 18-2008-192412 and will expire on November 30, 2012, unless renewed.

5 **JURISDICTION**

6 4. On February 10, 2011, Accusation No. 18-2008-192412 was filed before the Medical
7 Board of California (Board), Department of Consumer Affairs, and is currently pending against
8 Respondent. A true and correct copy of the Accusation and all other statutorily required
9 documents were properly served on Respondent on February 10, 2011. Respondent timely filed
10 her Notice of Defense contesting the Accusation on February 17, 2011. A true and correct copy
11 of Accusation No. 18-2008-192412 is attached hereto as exhibit A and incorporated herein by
12 reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 18-2008-192412. Respondent has also carefully read,
16 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
17 Disciplinary Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
20 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
21 to the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

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1 CULPABILITY

2 8. Respondent does not contest that, at an administrative hearing, complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in
4 Accusation No. 18-2008-192412 and that she has thereby subjected her Physician's and
5 Surgeon's Certificate No. A67234 to disciplinary action.

6 9. Respondent agrees that if she ever petitions for early termination or modification of
7 probation, or if an accusation and/or petition to revoke probation is filed against her before the
8 Medical Board of California, all of the charges and allegations contained in Accusation No.
9 18-2008-192412 shall be deemed true, correct and fully admitted by Respondent for purposes of
10 any such proceeding or any other licensing proceeding involving respondent in the State of
11 California.

12 10. Respondent agrees that her Physician's and Surgeon's Certificate No. A67234 is
13 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
14 forth in the Disciplinary Order below.

15 CONTINGENCY

16 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
17 submitted to the Board for its consideration in the above-entitled matter and, further, that the
18 Board shall have a reasonable period of time in which to consider and act on this Stipulated
19 Settlement and Disciplinary Order after receiving it.

20 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
21 and void and not binding upon the parties unless approved and adopted by the Board, except for
22 this paragraph, which shall remain in full force and effect. Respondent fully understands and
23 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
24 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
25 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the
26 Board, any member thereof, and/or any other person from future participation in this or any other
27 matter affecting or involving respondent. In the event that the Board, in its discretion, does not
28 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this

1 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall
2 not be relied upon or introduced in any disciplinary action by either party hereto. Respondent
3 further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for
4 any reason, Respondent will assert no claim that the Board, or any member thereof, was
5 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
6 Disciplinary Order or of any matter or matters related hereto.

7 ADDITIONAL PROVISIONS

8 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
9 be an integrated writing representing the complete, final and exclusive embodiment of the
10 agreements of the parties in the above-entitled matter.

11 14. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary
12 Order, including facsimile signatures of the parties, may be used in lieu of original documents and
13 signatures and, further, that facsimile copies shall have the same force and effect as originals.

14 15. In consideration of the foregoing admissions and stipulations, the parties agree the
15 Board may, without further notice to or opportunity to be heard by respondent, issue and enter the
16 following Disciplinary Order:

17 DISCIPLINARY ORDER

18 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A67234 issued
19 to Respondent Roselie Ann Bauman, M.D., is revoked. However, the revocation is stayed and
20 Respondent is placed on probation for three (3) years on the following terms and conditions.

21 1. EDUCATION COURSE Within 60 calendar days of the effective date of this
22 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
23 for its prior approval educational programs or courses on the subject of ultrasound readings which
24 shall not be less than 40 hours per year, for each year of probation. The educational programs or
25 courses shall be aimed at correcting any areas of deficient practice or knowledge and shall be
26 Category I certified, limited to classroom, conference, or seminar settings. The educational
27 programs or courses shall be at Respondent's expense and shall be in addition to the Continuing
28 Medical Education (CME) requirements for renewal of licensure. Following the completion of

1 each course, the Board or its designee may administer an examination to test Respondent's
2 knowledge of the course. Respondent shall provide proof of attendance for 65 hours of
3 continuing medical education of which 40 hours were in satisfaction of this condition.

4 2. CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective date
5 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent
6 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of
7 California - San Diego School of Medicine ("Program").

8 The Program shall consist of a Comprehensive Assessment program comprised of a two-
9 day assessment of Respondent's physical and mental health; basic clinical and communication
10 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
11 Respondent's specialty or sub-specialty, and at minimum, a 40 hour program of clinical education
12 in the area of practice in which Respondent was alleged to be deficient and which takes into
13 account data obtained from the assessment, Decision(s), Accusation(s), and any other information
14 that the Board or its designee deems relevant. Respondent shall pay all expenses associated with
15 the clinical training program.

16 Based on Respondent's performance and test results in the assessment and clinical
17 education, the Program will advise the Board or its designee of its recommendations for the scope
18 and length of any additional educational or clinical training, treatment for any medical condition,
19 treatment for any psychological condition, or anything else affecting Respondent's practice of
20 medicine. Respondent shall comply with Program recommendations.

21 At the completion of any additional educational or clinical training, Respondent shall
22 submit to and pass an examination. The Program's determination whether or not Respondent
23 passed the examination or successfully completed the Program shall be binding.

24 Respondent shall complete the Program not later than six months after Respondent's initial
25 enrollment unless the Board or its designee agrees in writing to a later time for completion.

26 Failure to participate in and complete successfully all phases of the clinical training
27 program outlined above is a violation of probation.

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1 If Respondent fails to complete the clinical training program within the designated time
2 period, Respondent shall cease the practice of medicine within 72 hours after being notified by
3 the Board or its designee that Respondent failed to complete the clinical training program.

4 3. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall
5 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
6 Executive Officer at every hospital where privileges or membership are extended to Respondent,
7 at any other facility where Respondent engages in the practice of medicine, including all
8 physician and locum tenens registries or other similar agencies, and to the Chief Executive
9 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
10 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
11 days.

12 This condition shall apply to any changes in hospitals, other facilities or insurance carrier.

13 4. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is
14 prohibited from supervising physician assistants.

15 5. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules
16 governing the practice of medicine in California, and remain in full compliance with any court
17 ordered criminal probation, payments and other orders.

18 6. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
19 under penalty of perjury on forms provided by the Board, stating whether there has been
20 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
21 not later than 10 calendar days after the end of the preceding quarter.

22 7. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's
23 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business
24 and residence addresses. Changes of such addresses shall be immediately communicated in
25 writing to the Board or its designee.

26 Under no circumstances shall a post office box serve as an address of record, except as
27 allowed by Business and Professions Code section 2021(b).

28 Respondent shall not engage in the practice of medicine in Respondent's place of residence.

Respondent shall maintain a current and renewed California Physician's and Surgeon's license.

Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be available in person for interviews either at Respondent's place of business or at the probation unit office, with the Board or its designee, upon request at various intervals, and either with or without prior notice throughout the term of probation.

9. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

1 10. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

2 In the event Respondent resides in the State of California and for any reason Respondent
3 stops practicing medicine in California, Respondent shall notify the Board or its designee in
4 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
5 period of non-practice within California, as defined in this condition, will not apply to the
6 reduction of the probationary term and does not relieve Respondent of the responsibility to
7 comply with the terms and conditions of probation. Non-practice is defined as any period of time
8 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in
9 sections 2051 and 2052 of the Business and Professions Code.

10 All time spent in an intensive training program which has been approved by the Board or its
11 designee shall be considered time spent in the practice of medicine. For purposes of this
12 condition, non-practice due to a Board-ordered suspension or in compliance with any other
13 condition of probation, shall not be considered a period of non-practice.

14 Respondent's license shall be automatically cancelled if Respondent resides in California
15 and for a total of two years, fails to engage in California in any of the activities described in
16 Business and Professions Code sections 2051 and 2052.

17 11. COMPLETION OF PROBATION Respondent shall comply with all financial
18 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
19 to the completion of probation. Upon successful completion of probation, Respondent's
20 certificate shall be fully restored.

21 12. VIOLATION OF PROBATION Failure to fully comply with any term or condition
22 of probation is a violation of probation. If Respondent violates probation in any respect, the
23 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
24 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,
25 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
26 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
27 the matter is final.

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13. LICENSE SURRENDER Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of Respondent's license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

14. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A67234. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10/12/11

ROSELIE ANN BAUMAN, M.D.
Respondent

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1 I have read and fully discussed with Respondent ROSELIE ANN BAUMAN, M.D., the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: October 13, 2011


PAUL SPACKMAN, ESQ.
Attorney for Respondent

6 **ENDORSEMENT**

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
8 submitted for consideration by the Medical Board of California of the Department of Consumer
9 Affairs.

10 Dated:

Respectfully submitted,


11 KAMALA D. HARRIS
12 Attorney General of California
13 THOMAS S. LAZAR
Supervising Deputy Attorney General

14
15 LORI JEAN FORCUCCI
16 Deputy Attorney General
Attorneys for Complainant

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1 I have read and fully discussed with Respondent ROSELIE ANN BAUMAN, M.D., the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: October 13, 2011


PAUL SPACKMAN, ESQ.
Attorney for Respondent

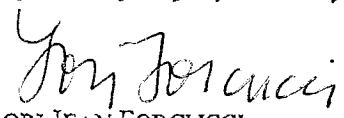
6 ENDORSEMENT

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
8 submitted for consideration by the Medical Board of California of the Department of Consumer
9 Affairs.

10 Dated: 10/13/11

Respectfully submitted,

11 KAMALA D. HARRIS
12 Attorney General of California
13 THOMAS S. LAZAR
Supervising Deputy Attorney General

14 
15 LORI JEAN FORCUCCI
16 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 18-2008-192412

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO FEBRUARY 10 2011
BY: K. MONTALBANO ANALYST

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Attorney General of California
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 18-2008-192412

ROSELIE ANN BAUMAN, M.D.
10800 Magnolia Avenue
Riverside, CA 92505

ACCUSATION

Physician's and Surgeon's Certificate No.
A67234

Respondent.

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about December 23, 1998, the Medical Board of California issued Physician's and Surgeon's Certificate No. A67234 to Roselie Ann Bauman, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2220 of the Code states:

“Except as otherwise provided by law, the Division of Medical Quality may take action against all persons guilty of violating this chapter [Chapter 5, the Medical Practice Act]. The division shall enforce and administer this article as to physician and surgeon certificate holders, and the division shall have all the powers granted in this chapter for these purposes including, but not limited to:

“... ”

“(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

“(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon.”

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded or have such other action taken in relation to discipline as the Division deems proper.

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1 6. Section 2234 of the Code states:

2 "The Division of Medical Quality¹ shall take action against any licensee who
3 is charged with unprofessional conduct. In addition to other provisions of this
4 article, unprofessional conduct includes, but is not limited to, the following:

5 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter
7 [Chapter 5, the Medical Practice Act].

8 "(b) Gross negligence.

9 "(c) Repeated negligent acts. To be repeated, there must be two or more
10 negligent acts or omissions. An initial negligent act or omission followed by a
11 separate and distinct departure from the applicable standard of care shall constitute
12 repeated negligent acts.

13 "(1) An initial negligent diagnosis followed by an act or omission
14 medically appropriate for that negligent diagnosis of the patient shall constitute a
15 single negligent act.

16 "(2) When the standard of care requires a change in the diagnosis, act,
17 or omission that constitutes the negligent act described in paragraph (1), including,
18 but not limited to, a reevaluation of the diagnosis or a change in treatment, and the
19 licensee's conduct departs from the applicable standard of care, each departure
20 constitutes a separate and distinct breach of the standard of care.

21 "(d) Incompetence.

22 ". . ."

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26 ¹ California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code section 2000 *et seq.*) means the "Medical
Board of California" and references to the "Division of Medical Quality" and the "Division of
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 7. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
4 by section 2234, subdivision (b), of the Code in that she committed gross negligence in her care
5 and treatment of patient X.J., as more particularly alleged hereinafter:

6 8. On or about January 19, 2005, patient X.J., a then 39 year old, diabetic, obese
7 pregnant woman, had a history of irregular menstrual cycles and was uncertain of the date of her
8 last menstrual period, but believed it was October 8, 2004. She had four children (one set of
9 twins) from three prior pregnancies.

10 9. On or about January 19, 2005, X.J. had her first appointment with Respondent, an
11 obstetrician-gynecologist. Respondent did not perform a physical examination of X.J.'s pelvis or
12 abdomen. X.J. reported to Respondent that she felt fetal movement. Respondent performed a
13 transvaginal ultrasound on X.J. Respondent, and no other person, interpreted the ultrasound
14 results. Respondent concluded that the transvaginal ultrasound showed a flawed pregnancy, a
15 questionable early gestational sac. Respondent did not perform an abdominal ultrasound, nor did
16 she order a Beta hCG² test at that time. Respondent informed X.J. that her pregnancy was flawed
17 and offered to terminate her pregnancy or to rescan X.J., at a later date. X.J. chose to be
18 rescanned.

19 10. On or about February 9, 2005, X.J. returned to see Respondent. Again, Respondent
20 performed only a transvaginal ultrasound scan. Respondent, and no other person, interpreted the
21 transvaginal ultrasound results and, again, Respondent concluded that X.J.'s pregnancy was
22 flawed. Respondent diagnosed probable blighted ovum. Respondent offered to terminate the
23 pregnancy, but X.J. refused, and requested serial Beta hCG tests, which were done on February 9
24 and 11, 2005.

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27 ² Beta hCG, "the pregnancy hormone," is produced by the cells and can be detected in
28 maternal plasma or urine by 8 to 9 days after ovulation.

1 11. On or about February 23, 2005, X.J. was again seen by Respondent, who performed
2 another transvaginal ultrasound. Respondent, and no other person, interpreted the results. X.J.'s
3 Beta hCG tests showed levels of 25,480 and 24,409, with levels declining between the first and
4 second test.³ X.J. informed Respondent that she had felt fetal movement during the ultrasound.
5 Despite the X.J.'s report of fetal movement, Respondent did not perform additional tests or an
6 abdominal exam of X.J. Respondent told X.J. that her Beta hCG levels were dropping and
7 reasserted her conclusion that the pregnancy was flawed. Without performing further tests,
8 Respondent prescribed Cytotec to induce abortion.

9 12. On February 25, 2005, X.J. began the treatment with Cytotec, as ordered by
10 Respondent. On February 26, 2005, after having taken two doses of Cytotec, X.J. went to the
11 emergency room and delivered a live male infant, whose gestational age was 26 to 28 weeks. The
12 infant suffers from cerebral palsy.

13 13. Respondent committed gross negligence in her care and treatment of patient X.J.,
14 which included, but was not limited to, the following:

15 (a) From on or about January 19, 2005 to on or about February 23, 2006, Respondent
16 misdiagnosed X.J.'s viable pregnancy, during the 20th to 26th weeks of gestation, as a non-
17 viable;

18 (b) Respondent misinterpreted a cystic structure seen on a vaginal ultrasound for an early
19 gestational sac;

20 (c) Respondent, having not previously treated such an obese patient as X. J., failed to seek
21 a second opinion or refer X.J. to a high-risk obstetrician, at the second medical visit; and

22 (d) Respondent prescribed and ordered X.J. to take Cytotec when X.J. was approximately
23 26 weeks pregnant with a healthy, viable fetus.

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27 ³ Beta hCG levels of 25,000 were normal for a fetus of a 20 – 26 week gestational age.
28 Levels commonly increase until they peak, then fall and then remain steady during pregnancy.

1 THIRD CAUSE FOR DISCIPLINE

2 (Incompetence)

3 17. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
4 defined by section 2234, subdivision (d), of the Code in that she demonstrated acts of
5 incompetence in her care and treatment of patient X.J., as more particularly alleged hereinafter:

6 18. Paragraphs 7 through 12, and 13(b) and (d), and 14 through 15, and 16(b) and (d)
7 above, are hereby incorporated by reference and re-alleged as if fully set forth herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged.
10 and that following the hearing, the Medical Board of California issue a decision:

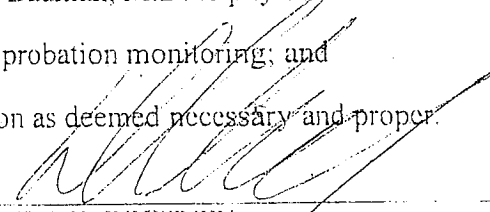
11 1. Revoking or suspending Physician's and Surgeon's Certificate No. A67234, issued to
12 Respondent Roselie Ann Bauman, M.D.;

13 2. Revoking, suspending or denying approval of Respondent Roselie Ann Bauman,
14 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

15 3. Ordering Respondent Roselie Ann Bauman, M.D. to pay the Medical Board of
16 California, if placed on probation, the costs of probation monitoring; and

17 4. Taking such other and further action as deemed necessary and proper.

18 DATED: February 10, 2011



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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